

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN RAZZOLI,

Plaintiff,

v.

HUNTS POINT TERMINAL PRODUCE
COOPERATIVE ASSOCIATION, INC., HUNTS
POINT MARKET PUBLIC SAFETY, PHILLIP
GRANT, BENY POY, CHARLES CLARKE,
NICHOLAS RODELLI, JAMES POOLE, PAUL
MALDONADO, HOWARD HAYES, and ANTHONY
RAMBAZIS,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

Removed from:

Supreme Court of the State of New
York, County of Richmond
(Index No.:100004/2022)

PLEASE TAKE NOTICE that Defendant Hunts Point Terminal Produce Cooperative Association, Inc., Defendant Hunts Point Market Public Safety, Defendant Phillip Grant, Defendant Beny Poy, Defendant Charles Clarke, Defendant Nicholas Rodelli, Defendant James Poole, Defendant Paul Maldonado, Defendant Howard Hayes, and Defendant Anthony Ramabazis (collectively, “Defendants”), by and through its undersigned counsel, hereby files this Notice of Removal from the Supreme Court of the State of New York, Richmond County, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. Defendants appear for no other purpose than removal and reserves all defenses and rights available to them, including, but not limited to, the right to contest personal jurisdiction. For the purposes of removal only, Defendants state the following:

THE COMPLAINT

1. Plaintiff, Kevin Razzoli (“Plaintiff”), commenced the above-captioned action against Defendants by filing a Summons and Verified Complaint in the Supreme Court of the State

of New York, County of Richmond, on February 22, 2022 bearing Index No. 100004/2022 (the “Complaint”).

2. The Complaint sets forth Plaintiff’s causes of action for violations of the Racketeer Influenced and Corrupt Organizations (“RICO”) Act (18 U.S.C. § 1962, *et seq.*), Taft-Hartley Act of 1947 (“Taft-Hartley Act”) (29 U.S.C. § 141, *et seq.*), and violations of the New York State Human Rights Law (“NYSHRL”) and New York City Human Rights Law (“NYCHRL”). Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint is annexed hereto as Exhibit A.

GROUNDS FOR REMOVAL

3. Removal to Federal Court is based upon Plaintiff’s claims that Defendants violated the RICO Act and the Taft-Hartley Act of 1947, which arise out of Title 18 and Title 29 of the United States Code, imbuing this Court with jurisdiction over this matter.

4. This is a civil action over which the District Courts of the United States have been given original jurisdiction under § 1331.

5. Plaintiff’s Complaint alleges that Defendants violated the RICO Act and Taft-Hartley Act. Accordingly, those claims arise under the laws of the United States within the meaning of 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1367, the facts alleged in Plaintiff’s Summons and Complaint that Defendants’ allegedly violated the NYSHRL and NYCHRL are the same facts upon which Plaintiff alleges that Defendants violated the RICO Act and Taft-Hartley Act.

7. Plaintiff designated Richmond County as the place of trial despite the fact that the events or omissions alleged in the Complaint and underlying claims, none of which are admitted by Defendants, allegedly occurred almost exclusively in Bronx County, New York.

8. The federal courthouse in Manhattan, New York is the most appropriate and convenient venue for the disposition of this matter, pursuant to 28 U.S.C. § 1391.

9. This Notice of Removal is being filed within 30 days after service of the Summons & Verified Complaint, satisfying the timeliness requirement pursuant to 28 U.S.C. § 1446(b). The Summons and Complaint were served on Defendants via U.S. Mail on February 22, 2022. A copy of the Affidavit of Service on Defendants is annexed hereto as Exhibit B.

10. Pursuant to 28 U.S.C. § 1446(a), Defendants attach to this notice and incorporate by reference copies of the following papers, which are all of the process, pleadings, and orders received by Defendants prior to their removal of this action:

- a. A true and correct copy of the Summons and Complaint in the State Court Action, filed with the Clerk of the New York State Supreme Court, Richmond County, and dated February 22, 2022, is annexed hereto as **Exhibit A**; and
- b. A true and correct copy of the Affidavit of Service on Defendants, dated February 22, 2022, is annexed hereto as **Exhibit B**.

WHEREFORE, for all the foregoing reasons, Defendants remove this action for trial from the Supreme Court of the State of New York, Richmond County, to the United States District Court for the Southern District of New York, in New York, New York. Defendants will promptly file a Notice of this Removal with the Clerk of the Supreme Court and serve the Notice on all parties.

Dated: March 9, 2022
New York, New York

Respectfully submitted,

KAUFMAN BORGEEST & RYAN LLP



By: _____

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CERTIFICATE OF SERVICE

I, Kenneth G. Abeyratne, hereby certify that on this date a true copy of the above document was served by certified first-class mail, postage prepaid, upon the following:

Kevin Razzoli
Pro Se Plaintiff
114 Belmont Place
Staten Island, New York, 10301
kevinrazzoli1965@gmail.com
(718) 406-2155

Civil Clerk
Richmond County Clerk's Office
26 Central Avenue, Rm 131
Staten Island, NY 10301
Phone: 718-675-8700

Dated: March 9, 2022

/s/ Kenneth G. Abeyratne
Kenneth G. Abeyratne